

AMENDED IN ASSEMBLY JUNE 21, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1426

Introduced by Senator Blakeslee
(Principal coauthor: Senator Correa)
(Coauthors: Senators Dutton, Gaines, and Wyland)

February 24, 2012

An act to amend Section 86203 of, and to add Section 89504 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1426, as amended, Blakeslee. Lobbyist employers: gifts.

The Political Reform Act of 1974 regulates the receipt of gifts by public officials and also regulates the activities of members of the lobbying industry, including lobbyist employers. Under existing law, public officials are prohibited from accepting gifts from any single source in any calendar year with a total value of more than \$250, as adjusted biennially by the Fair Political Practices Commission. Existing law also prohibits a lobbyist or lobbying firm from giving gifts to a public official aggregating more than \$10 in a calendar month or from acting as an agent or intermediary in the making of any gift or arranging for the making of any gift by any other person.

This bill would prohibit a lobbyist, lobbying firm, or lobbyist employer from giving to an elected state officer or a member of that officer's immediate family, and would prohibit an elected state officer from accepting from a lobbyist, lobbying firm, or lobbyist employer, certain gifts, including ~~tickets to specified venues and events, spa treatments, recreational trips, and gift cards.~~ However, under the bill,

these prohibitions would not apply to a fundraising event for a bona fide charitable organization.

This bill would also prohibit a lobbyist employer from giving to an elected state officer, or a lobbyist, lobbying firm, or lobbyist employer from giving to a member of that officer's immediate family, specified entertainment tickets with face values exceeding \$25, including theater, concert, and amateur sporting event tickets.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties. This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 86203 of the Government Code is
2 amended to read:

3 86203. (a) It is unlawful for a lobbyist or lobbying firm to
4 make gifts to one person aggregating more than ten dollars (\$10)
5 in a calendar month, or to act as an agent or intermediary in the
6 making of any gift, or to arrange for the making of any gift by any
7 other person.

8 (b) (1) It is unlawful for a lobbyist, lobbying firm, or lobbyist
9 employer to give to an elected state officer or to a member of that
10 officer's immediate family, from the date the officer is elected to
11 the date he or she vacates office, any of the following gifts:

12 (A) A theme park or amusement park ticket.

13 (B) A professional sporting event ticket.

14 ~~(C) A collegiate or other amateur sporting event ticket with a~~
15 ~~face value exceeding twenty-five dollars (\$25).~~

1 ~~(D) A theater, concert, or other entertainment ticket with a face~~
2 ~~value exceeding twenty-five dollars (\$25).~~

3 ~~(E)~~

4 (C) A racetrack ticket.

5 ~~(F)~~

6 (D) A spa treatment, or other beauty or cosmetic service.

7 ~~(G)~~

8 (E) A golf, skiing, hunting, or fishing trip, or other recreational
9 outing or vacation.

10 ~~(H)~~

11 (F) A gift card.

12 (2) *It is unlawful for a lobbyist employer to give to an elected*
13 *state officer, or for a lobbyist, lobbying firm, or lobbyist employer*
14 *to give to a member of that officer's immediate family, from the*
15 *date the officer is elected to the date he or she vacates office, either*
16 *of the following gifts:*

17 (A) *A collegiate or other amateur sporting event ticket with a*
18 *face value exceeding twenty-five dollars (\$25).*

19 (B) *A theater, concert, or other entertainment ticket with a face*
20 *value exceeding twenty-five dollars (\$25).*

21 ~~(2)~~

22 (3) The prohibitions in this subdivision do not apply to a
23 fundraising event for a bona fide charitable organization.

24 SEC. 2. Section 89504 is added to the Government Code, to
25 read:

26 89504. (a) An elected state officer, from the date the officer
27 is elected to the date he or she vacates office, shall not accept ~~as~~
28 *from a lobbyist or lobbying firm gifts aggregating more than ten*
29 *dollars (\$10) in a calendar month.*

30 (b) *An elected state officer, from the date the officer is elected*
31 *to the date he or she vacates office, shall not accept as a gift from*
32 *a lobbyist, lobbying firm, or lobbyist employer any of the*
33 *following:*

34 (1) A theme park or amusement park ticket.

35 (2) A professional sporting event ticket.

36 ~~(3) A collegiate or other amateur sporting event ticket with a~~
37 ~~face value exceeding twenty-five dollars (\$25).~~

38 ~~(4) A theater, concert, or other entertainment ticket with a face~~
39 ~~value exceeding twenty-five dollars (\$25).~~

40 ~~(5)~~

1 (3) A racetrack ticket.

2 ~~(6)~~

3 (4) A spa treatment, or other beauty or cosmetic service.

4 ~~(7)~~

5 (5) A golf, skiing, hunting, or fishing trip, or other recreational
6 outing or vacation.

7 ~~(8)~~

8 (6) A gift card.

9 (c) *An elected state officer, from the date the officer is elected*
10 *to the date he or she vacates office, shall not accept as a gift from*
11 *a lobbyist employer either of the following gifts:*

12 (1) *A collegiate or other amateur sporting event ticket with a*
13 *face value exceeding twenty-five dollars (\$25).*

14 (2) *A theater, concert, or other entertainment ticket with a face*
15 *value exceeding twenty-five dollars (\$25).*

16 ~~(b)~~

17 (d) The prohibitions in ~~this section~~ subdivisions (b) and (c) do
18 not apply to a fundraising event for a bona fide charitable
19 organization.

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

29 SEC. 4. The Legislature finds and declares that this bill furthers
30 the purposes of the Political Reform Act of 1974 within the
31 meaning of subdivision (a) of Section 81012 of the Government
32 Code.